

**Arizona Department of Environmental Quality UST Program  
Release Reporting & Corrective Action Guidance**

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## SECTION 2: SUSPECTED RELEASES

### 2.1 WHAT IS A SUSPECTED RELEASE?

As defined by A.R.S. § 49-1001(16), a suspected release means any of the following:

- (a) *The discovery by owners and operators or others of released regulated substances at the UST site or in the surrounding area.*
- (b) *Erratic behavior of regulated substance dispensing equipment, the sudden loss of a regulated substance from a UST, an unexplained presence of water in the UST or other extraordinary operating conditions that could reasonably be associated with a release from a UST and that are observed by owners and operators, unless system equipment is found to be defective but not leaking and is repaired or replaced immediately, or*
- (c) *That the monitoring results from a release detection method indicate that a release may have occurred unless either of the following occurs:*
  - (i) *The monitoring device is found to be defective and is immediately repaired, recalibrated or replaced and additional monitoring data do not confirm the initial results,*
  - (ii) *In the case of inventory control, a second month of inventory reconciliation data does not confirm the initial result.*

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**2.2 24 HOUR NOTIFICATION REQUIREMENT**

*If it is determined that a suspected release exists, an owner or operator shall notify the department, either orally or in writing, within 24 hours of discovery of a suspected release, except for either of the following circumstances:*

- *A spill or overfill of petroleum of 25 gallons or less or a hazardous substance that is less than its reportable quantity in CERCLA, as implemented by 40 CFR 302 that is contained and cleaned up within 24 hours.*
- *The conditions described in § 49-1001(16) (b) and (c)(i), listed above in Section 2.1, exist for 24 hours or less [excerpt from A.A.C. R18-12-251(A)].*

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**2.3 24 HOUR NOTIFICATION CONTENT**

The following information is required to be submitted (see Appendix C) to the extent known at the time of the notification:

- *Identification of the individual making the notification.*
- *Identification of the UST involved and the reason for notifying the department.*
- *Identification of the facility involved.*
- *Identification of the owner and the operator of the UST facility.*
- *A description of the investigation and containment actions taken as of the time of the notification [excerpt from A.A.C. R18-12-251(B)].*

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## **2.4 INVESTIGATION OF A SUSPECTED RELEASE**

An owner or operator must complete the following investigation requirements and confirm if the suspected release is an actual release. The investigation must include the following:

- Tightness tests  
Conduct tightness tests of the tank and tightness tests of all connected piping to determine if a leak may exist in any portion of the UST system that routinely contains regulated substance. Further investigation is required if either the tightness test results indicate that the system is not tight or contaminated media is the basis for suspecting a release.
- Site check  
If further investigation is required, an owner or operator must perform a site check by measuring for the presence of a release where contamination is most likely to be present at the UST site. An owner or operator must consider the nature of the regulated substance, the type of initial alarm or cause for suspicion, the type of backfill, the depth to groundwater, and conditions of the regulated substance and the site for identifying the presence and source of the release. If the test results for the excavation zone or the UST site (1) indicate that a release has occurred, owners and operators must begin corrective action in accordance with A.A.C. R18-12-260; OR (2) do not indicate that a release has occurred, further investigation is not required.

When it is not feasible to identify the precise location of the excavation zone or access the areas adjacent to the tank and associated piping, samples should be taken as close to the estimated or known excavation area as possible.

When contamination poses an imminent threat to public welfare or the environment on adjacent off-site properties, it may be more appropriate to collect samples at or near the site's property boundary nearest the adjacent property.

If impacts of a regulated substance, either on-site or off-site, are discovered by the department or brought to its attention by another person, the department will notify the owner or operator of the UST system suspected to be a source of the regulated substance that they must perform a site check. The notification shall state the type of impact and the rationale for the department's decision that the UST system may be the source of the impact.

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In practical terms, determining whether or not a release has occurred from a regulated UST system is not always a clear and simple demonstration. The department requires that contamination present at a facility be linked to a release from a UST system that is regulated by the UST Program in order for a suspected release and subsequent confirmed release to be covered by the UST Program rules for release reporting and corrective actions. Contamination must be identified within the excavation zone, or leaking from those portions of the UST system which is regulated under the program.

Can contamination occur at a facility which does not originate from a regulated UST system? Yes. There are numerous sources and circumstances which provide this condition. For example, releases may occur from an aboveground storage tank (AST) or distribution pipeline. Releases may also occur during the process of performing UST system maintenance and checks. The most difficult to investigate are “historical” releases in which no evidence is available to document the installation or operation of a UST system at a property. These are among the many types of scenarios in which contamination at a property is present, but is not regulated by the UST Program.

Policy is currently under development to address this issue, and will be provided in subsequent revisions of the guidance document.

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**2.5 SUSPECTED RELEASE STATUS REPORT**

*An owner or operator shall submit a written status report, on a department provided form (see Appendix C), within 14 calendar days after the suspected release discovery date or the suspected release notification date, whichever is earlier. The report shall include, to the extent known at the time of the report:*

- *Identification of the UST system suspected to be the source of the suspected release.*
- *The nature of the suspected release.*
- *The regulated substance suspected to be released.*
- *The initial response to the suspected release [excerpt from A.A.C. R18-12-251(E)].*

If the suspected release is confirmed to be a release within 14 calendar days of the suspected release discovery or notification date, whichever is earlier, this reporting requirement is not necessary if the confirmed release status report, *i.e.*, 14 day report, is submitted to the department.

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## **2.6 RESULTS OF SUSPECTED RELEASE INVESTIGATION**

Within 90 calendar days from the suspected release discovery date or the suspected release notification date, whichever is earlier, the owner or operator should perform one of the following:

### Release confirmation

If an owner or operator confirms a release, the owner or operator must notify the department within 24 hours, cease further compliance with suspected release requirements, and perform appropriate corrective actions.

### Suspected release closure report

*If the suspected release is not confirmed to be a release, an owner or operator shall submit a written report to the department, on the provided form (see Appendix C), within 90 calendar days after the suspected release discovery date or suspected release notification date, whichever is earlier. The report must demonstrate that investigations have been completed and that a release does not exist. The report shall include the following information, except that information identical to that submitted in the suspected release status report under A.A.C. R18-12-251(E) is not required:*

- *Identification of the UST system suspected to be the source of the suspected release.*
- *The nature of the suspected release.*
- *The regulated substance suspected to be released.*
- *The response to the suspected release.*
- *Documentation of any repair, re-calibration or replacement of a monthly monitoring device, and any repair or replacement of faulty UST system equipment that may be the cause of the suspected release.*
- *The results of any tightness test conducted.*
- *If a site check is not performed, a statement by the owner or operator that, to the best of the knowledge and belief of the owner or operator, no person with direct knowledge of the circumstances of discovery or investigation of the suspected release observed contaminated media during the discovery or investigation.*
- *Laboratory analytical results of samples collected during the site check.*
- *A site plan showing the location of the suspected release and site check sample collections. [excerpt from A.A.C. R18-12-251(F)]*



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The department will review the Suspected Release Closure Report and take one of the following actions:

- Notify the owner or operator in writing that the report is approved and close the LUST case file, if the requirements of A.R.S. § 49-1004 and A.A.C. R18-12-251 are met and the report contains all of the required information identified above OR the department makes a determination that it has enough information to make an informed decision.
- Notify the owner or operator in writing that the department determines that the suspected release case closure conditions are not satisfied and an explanation of that information which is lacking to complete case closure.